

**From:** Scott Elliott <sellott@elliottlaw.us>  
**Sent:** Saturday, December 14, 2013 3:15 PM  
**To:** 'Laura P. Valtorta'; Colanthia.Alvarez; Nelson, Jeff; Belser, Florence; charles.terreni@terrenilaw.com; Edwards, Nanette  
**Cc:** David.Butler; Randall.Dong; 'Email:'  
**Subject:** RE: Motion to submit additional testimony 2013-275-WS

Carolina Water is unable to consent to Ms. Valtorta's requests set out below and objects both to the consolidation of Docket Nos. 2013-275-WS ("rate case") and 2013-71-WS ("complaint") and to permitting Mr. Bozeman to testify a second time in the rate case.

First, Docket No. 2013-71-WS involves a complaint against Carolina Water by Mr. Bozeman's company questioning the Carolina Water sewer rate design. A hearing examiner has been appointed who has been active in the management of that docket. Carolina Water, ORS and Mr. Bozeman have prefiled testimony in the complaint docket. The matter was continued to allow Mr. Bozeman to obtain counsel for his company. Mr. Bozeman retained Ms. Valtorta in April 2013. By correspondence dated November 15, 2013, on behalf of Mr. Bozeman, Ms. Valtorta requested a hearing be scheduled on his complaint. The matter is ready to be set for a hearing and Carolina Water is eager to have the complaint resolved.

The rate case was filed September 4, 2013 and Carolina Water's customers were given notice of the filing on September 27<sup>th</sup>. Mr. Bozeman chose not to intervene in the rate case docket although he was fully aware of his right to do so. The parties to the rate case docket have conducted discovery and prefiled testimony. Indeed, Carolina Water has prefiled both its direct and its rebuttal testimony. The parties and issues are joined in the rate case and Carolina Water would be prejudiced by the joinder of a new party at the eleventh hour.

Second, Mr. Bozeman was aware of the fact that his testimony at the December 12<sup>th</sup> public hearing in York County would preclude his testimony at the merit's hearing in Columbia on January 14<sup>th</sup> and yet he chose to proceed with his testimony Thursday evening. He has had his bite at the apple and waived any right to testify further in the rate case docket.

Mr. Bozeman has been fully informed of the process required by the Public Service Commission in both dockets. Mr. Bozeman made the knowing decision to proceed with his complaint separately from the rate case and to testify at the Public Hearing in York County. A last minute consolidation of the two dockets would prove prejudicial to Carolina Water. For these reasons, Carolina Water objects both to the consolidation of Docket Nos. 2013-275-WS and 2013-71-WS and to permitting Mr. Bozeman to testify a second time in Docket No. 2013-275-WS. As a courtesy, I am copying the hearing examiner and ORS counsel in the complaint docket. If counsel or you have questions, I would be happy to address them.

**From:** Laura P. Valtorta [mailto:laurapv@aol.com]  
**Sent:** Friday, December 13, 2013 1:47 PM  
**To:** Colanthia.Alvarez@psc.sc.gov; jnelson@regstaff.sc.gov; fbelser@regstaff.sc.gov; charles.terreni@terrenilaw.com; sellott@elliottlaw.us  
**Cc:** kbozeman@comcast.net  
**Subject:** Motion to submit additional testimony 2013-275-WS

Good afternoon -- I want to request time through Monday December 16 to submit additional witness testimony. My 4th witness would be Ken Bozeman who has a

complaint about the water tariff in dispute with regard to how businesses are charged for wastewater collection. Mr. Bozeman gave public testimony last night at the Lake Wylie public hearing, but I believe he needs to make his point more clearly.

Mr. Bozeman is involved in another case before the Public Service Commission, but his concerns would be more correctly addressed in the context of a rate case.

My motion is to combine the two cases (2013-275-WS and Mr. Bozeman's case (2013-71-WS) and have Mr. Bozeman testify on January 14, 2014.

aura P. Valtorta

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-----Original Message-----

From: Colanthia.Alvarez <[Colanthia.Alvarez@psc.sc.gov](mailto:Colanthia.Alvarez@psc.sc.gov)>

To: Nelson, Jeff <[jnelson@regstaff.sc.gov](mailto:jnelson@regstaff.sc.gov)>; Belser, Florence <[fbelser@regstaff.sc.gov](mailto:fbelser@regstaff.sc.gov)>; laurapv <[laurapv@aol.com](mailto:laurapv@aol.com)>; KATRINASHEALY <[KATRINASHEALY@SCSENATE.GOV](mailto:KATRINASHEALY@SCSENATE.GOV)>

Sent: Fri, Dec 13, 2013 11:21 am

Subject: Rescheduled Notice of Public Night Hearing

*Colanthia B Alvarez*

*Administrative Coordinator I*

*Public Service Commission of SC*

*101 Executive Center Drive*

*Columbia, SC 29210*

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